

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

JUXTACOMM-TEXAS SOFTWARE, LLC

PLAINTIFF,

v.

AXWAY, INC., et al,

DEFENDANTS.

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Civil Action No. 6:10-CV-00011-LED

JURY DEMAND

**JOINT MOTION TO DISMISS**

Pursuant to Fed. R. Civ. P. 41(a)(2) and (c), Plaintiff JuxtaComm-Texas Software, LLC (“JuxtaComm”) and Defendant Axway, Inc. (“Axway”) hereby move this Court to dismiss in their entirety and with prejudice, JuxtaComm’s claims against Axway and Axway’s counterclaims against JuxtaComm, with each party to bear its own costs, expenses and attorneys’ fees.

Dated: November 17, 2010

Respectfully Submitted,

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**FISH & RICHARDSON P.C.**

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**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this Motion was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(b)(1). Pursuant to Fed. R. Civ. P. 5(a)-(d) and Local Rule CV-5(b)(2), all other counsel or record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email and/or fax, on this the 17th day of November 2010.

  
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R. LAURENCE MACON